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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 ALLSTATE FIRE AND CASUALTY)
17 INSURANCE COMPANY,)
18 Plaintiff,)
19 vs.)
20 HEATHER DIAMOND, SUZETTE)
21 BEHR and KODY FITZGERALD,)
22 Defendants.)
23 _____)

24 CASE NO.: 2:14-cv-01044-GMN-VCF

25 **STIPULATION TO AMEND DISCOVERY PLAN AND SCHEDULING ORDER**
26 **(First Request)**

27 Pursuant to Fed. R. Civ. P. 26(f) and Local Rules 26-4 and 6-1, Plaintiff, ALLSTATE FIRE
28 AND CASUALTY INSURANCE COMPANY, and Defendants, SUZETTE BEHR, KODY
FITGERALD, and HEATHER DIAMOND, request that the Discovery Cutoff date and other
stipulated dates be extended and make this request for the following reasons set forth below. This is
the parties' first request for an extension.

29 **A. DISCOVERY COMPLETED:**

30 The parties have completed the following discovery:

- 1 a. The Plaintiff and Defendants Behr and Fitzgerald participated in an FRCP
- 2 26(f) conference on September 22, 2014;
- 3 b. Plaintiff served its initial disclosures on October 10, 2014;
- 4 c. Defendants Behr and Fitzgerald served their initial disclosures on October 13,
- 5 2014;
- 6 d. Defendants Behr and Fitzgerald served Requests for Production of
- 7 Documents on Plaintiff on November 18, 2014 and Plaintiff will be
- 8 responding to same.
- 9 e. Plaintiff served Interrogatories, Requests for Admissions and Requests for
- 10 Production of Documents on all the Defendants on December 5, 2014.

10 **B. DISCOVERY REMAINING:**

11 4. Discovery that remains outstanding:

- 12 a. The parties anticipates (but shall not be limited to):
 - 13 i. Depositions of all the parties;
 - 14 ii. Designation of initial expert(s);
 - 15 iii. Depositions of any experts designated by the parties;
 - 16 iv. Designations of rebuttal expert(s)(if any); and
 - 17 v. Further written discovery.

18 **C. REASONS FOR REQUESTED EXTENSION**

19 The parties stipulate and request a brief extension of the current discovery deadlines for the
20 following reasons:

- 21 1. The parties are diligently completing written discovery and anticipate disclosing
experts and are coordinating a deposition schedule very shortly after that time.
- 22 2. There are currently four (4) Motions pending before this Court:
 - 23 a. Defendants, Behr and Fitzgerald's Motion to Dismiss filed as
Document 7 on August 14, 2014.
 - 24 b. Defendants, Behr and Fitzgerald's Rule 11 Motion for Sanctions filed
as Document 11 on September 11, 2014.

- 1 c. Defendant, Diamond's Motion to Dismiss filed as Document 17 on
- 2 October 20, 2014.
- 3 d. Plaintiff, Allstate's Motion for Leave to Supplement Opposition to
- 4 Defendants Behr and Fitzgerald's Motion to Dismiss filed as
- 5 Document 20 on December 4, 2014.

6 These Motions may bear materially on the nature and scope of future proceedings and
7 discovery, and none of the Defendants has answered the Complaint to date.

8 **D. AMENDED DISCOVERY PLAN**

9 The parties stipulate and agree to amend the discovery deadlines [as set forth in the Joint
10 Discovery Plan and Order, dkt. # 13] filed September 25, 2014 as follows:

11 **1. Discovery Cut-Off Date:**

12 The parties request that discovery be continued from February 10, 2015 to **April 10,**
13 **2015.**

14 **2. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):**

15 The parties request that the deadline to disclose Initial Experts be extended from
16 December 12, 2014 to **February 12, 2015.**

17 The parties request that the deadline to disclose Rebuttal Experts be extended from
18 January 12, 2015 to **March 12, 2015.**

19 **3. Dispositive Motions:**

20 The parties request that the deadline for dispositive motions be extended from March
21 12, 2015 to **May 12, 2015.**

22 **4. Pretrial Order:**

23 The parties request that the Pretrial Order be continued from April 10, 2015 to **June**
24 **10, 2015.** In the event dispositive motions are filed, or unless otherwise ordered by the Court, the
25 date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after decision on the
26 discovery motions or further order of the Court.

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5. Interim Status Reports:

The parties request that the filing of the Joint Interim Status Report scheduled for December 11, 2014, be continued for the reasons above. In accordance with Local Rule 26-3, an Interim Status Report will be filed by the parties with the Court sixty (60) days prior to the discovery cut-off date, and therefore, no later than **February 10, 2015**.

DATED this 10TH day of December, 2014

PYATT SILVESTRI

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This stipulation was filed as a motion on the docket. Motions are normally briefed in the ordinary course pursuant to LR 7-2. Stipulations should be filed as stipulations on the docket to avoid any delays in processing.

ORDER

IT IS HEREBY ORDERED.

United States Magistrate Judge
Dated this 13th day of January, 2015